

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG DIVISION**

BRISTOL SPRINGS CUSTOM HOMES, LLC

Plaintiff

No. 3:23-cv-00246-GMG

v.

ARGO GROUP US, INC., and
COLONY INSURANCE COMPANY

Defendants.

NOTICE OF CROSS APPEAL

In accordance with Rule 4(a)(3) of the Federal Rules of Appellate Procedure, notice is hereby given that Argo Group US, Inc. and Colony Insurance Company, Defendants in the above styled case, hereby cross appeal the United States District Court for the Northern District of West Virginia's December 19, 2024 *Order Granting the Defendants' Motions for Summary Judgment and Denying the Plaintiff's Renewed Motion for Summary Judgment Regarding Hayseeds Damages* [Document 142] to the extent that it considered and rejected Defendants' assertion that *Hayseeds v. State Farm Fire & Cas.*, 177 W. Va 323 (1986), is inapplicable, and the October 31, 2024 *Order Denying the Plaintiff's Motion for Summary Judgment Regarding Hayseeds Damages* [Document 80]. The cross appeal is taken from this Court to the United States Court of Appeals for the Fourth Circuit. The Order dismissing this case with prejudice [Document 142] in this

matter was entered on December 19, 2024. Plaintiff in this matter filed its Notice of Appeal [Document 143] on January 17, 2025.

**ARGO GROUP US, INC.
COLONY INSURANCE COMPANY**

By Counsel

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CERTIFICATE OF SERVICE

I hereby certify that, on this 30th day of January 2025, a true and correct copy of Defendants' Notice of Cross Appeal has been served upon the following through the Court's CM/ECF filing system:

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